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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,008	09/11/2003	Michael Thomas Riebe	PG3411US2	8593
23347	7590	11/16/2007		
GLAXOSMITHKLINE CORPORATE INTELLECTUAL PROPERTY, MAI B475 FIVE MOORE DR., PO BOX 13398 RESEARCH TRIANGLE PARK, NC 27709-3398			EXAMINER EREZO, DARWIN P	
			ART UNIT 3773	PAPER NUMBER
			NOTIFICATION DATE 11/16/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10662008	9/11/03	RIEBE ET AL.	PG3411US2

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EXAMINER

Darwin P.. Erez

ART UNIT	PAPER
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3773

20071107

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 21-24 and amended claims 10 and 11 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- I. The originally filed claims 1, 2, 6-13 and 17-20 are directed towards an aerosol container/inhalation aid device (product).
- II. The newly submitted claims 21-24 and amended claims 10 and 11 are directed towards a method for manufacturing a valve..

The originally filed claims and the newly submitted claims are related as process of making and product made. The inventions are distinct because the product as claimed can be made by another and materially different process.

Since applicant has received an action on the merits for the originally presented invention, this invention has been “constructively” elected by original presentation for prosecution on the merits. **Accordingly, newly submitted claims 21-24 and amended claims 10 and 11 are withdrawn from consideration as being directed to a non-elected invention.** See 37 CFR 1.142(b) and MPEP § 821.03.

2. The amendment filed on 8/28/07 canceling all claims drawn to the “constructively” elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable

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on the elected invention because they are directed towards the method/process of making the inhalation device.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darwin P. Erezzo whose telephone number is (571) 272-4695. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on (571) 272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Darwin P. Erezol/
Examiner
Art Unit 3773

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